

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**Meeting Date: September 21, 2005Bulk Item: Yes X No Division: Growth ManagementDepartment: Planning & Environmental Res.Staff Contact Person: K. Marlene Conaway**AGENDA ITEM WORDING:**

Approval of a resolution to continue the policy of deferring the acceptance and processing of development applications and approval of development applications for the Tavernier Historic District and for the U.S. Highway 1 Corridor from Tavernier Creek to Mile Marker 97 until Ordinance No. 19-2005 and No. 20-2005 become effective or 90 days from the date of this resolution, whichever occurs first.

ITEM BACKGROUND:

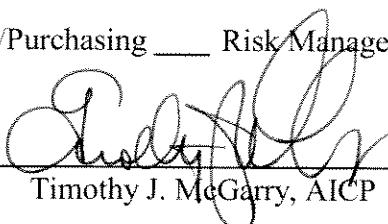
On September 1, 2005, the Interim Development Ordinance No.11-2005 and No.12-2005 deferring acceptance, processing, and approval of development applications in the U.S. Highway 1 Corridor and the Tavernier Historic Overlay District expired. On August 17, 2005, the Board of County Commissioners adopted Ordinance No.19-2005 (Tavernier Historic Overlay District and Ordinance No.20-2005 (U.S. Highway 1 District Overlay), which were sent to DCA on September 13, 2005.

As these ordinances will not go into effect until approved by DCA, the expiration of the two interim development ordinances means that the affected areas will be unprotected from unregulated development during the interim period if the policy of not differing development applications is not extended until design standards and guidelines become effective. The proposed resolution extends the deferral date on applications from the effective date of the resolution until the ordinances adopted by the Board of commissioners become effective or until the passage of 90 days whichever comes first.

PREVIOUS RELEVANT BOCC ACTION: Adopted Ordinances No. 11-2005 and No. 12-2005 on June 15, 2005.

CONTRACT/AGREEMENT CHANGES: N/A**STAFF RECOMMENDATIONS:**

Approval

TOTAL COST: N/A**BUDGETED:** Yes No **COST TO COUNTY:** N/A**SOURCE OF FUNDS:** **REVENUE PRODUCING:** Yes No **AMOUNT PER MONTH** **Year** **APPROVED BY:** County Atty X OMB/Purchasing Risk Management **DIVISION DIRECTOR APPROVAL:**
Timothy J. McGarry, AICP**DOCUMENTATION:** Included X Not Required **DISPOSITION:** **AGENDA ITEM #**

RESOLUTION NO. 2005

A RESOLUTION DIRECTING STAFF OF THE GROWTH MANAGEMENT DIVISION TO CONTINUE THE POLICY OF DEFERRING THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS AND THE ISSUANCE OF DEVELOPMENT APPROVALS FOR THE TAVERNIER HISTORIC DISTRICT AND FOR THE U.S. HIGHWAY 1 CORRIDOR FROM TAVERNIER CREEK TO MILE MARKER 97; DEFERRING THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS UNTIL DESIGN STANDARDS AND GUIDELINES WHICH HAVE BEEN ADOPTED BY THE BOARD OF MONROE COUNTY COMMISSIONERS BECOME EFFECTIVE OR UNTIL THE PASSAGE OF 90 DAYS FROM THE DATE OF THIS RESOLUTION WHICHEVER OCCURS FIRST; DIRECTING STAFF TO CONTINUE PREPARATION OF NEW LAND DEVELOPMENT REGULATIONS.

WHEREAS, the Monroe County Board of County Commissioners at their meeting on June 15, 2005 adopted Ordinance No. 011-2005 deferring the acceptance of development applications until design and standards guidelines could be adopted for development occurring within the U.S. Highway 1 corridor between Tavernier Creek and Mile Marker 97; and

WHEREAS, the Board also adopted Ordinance No. 012-2005 on June 15, 2005 deferring the acceptance of development applications until design and standards guidelines are adopted for development within the boundaries of the Tavernier Historic District Overlay; and

WHEREAS, said ordinances expired on September 1, 2005; and

WHEREAS, on August 17, 2005 the Board adopted Ordinance No 019-2005 establishing the development review standards and guidelines for the Tavernier Historic Overlay District; and

WHEREAS, the Board also adopted Ordinance No 020-2005 on August 17, 2005 establishing the development standards and guidelines for Tavernier Creek and Mile Marker 97 U.S. Highway 1 District Overlay and transmitted the above ordinances to DCA on September 13, 2005; and

WHEREAS, said ordinances have not yet been processed by the DCA pursuant to Chapter 380 which requires a written waiver of appeal be executed by DCA and transmitted to Monroe County and for an additional appeal period of 21 days to expire before the ordinance becomes effective; and

WHEREAS, there exists a gap in time between the expiration of the Interim Development Ordinances and the adoption of the new design standards and guidelines such that property within the Tavernier Historic District and Overlay areas will be unprotected from unregulated development during the interim time period if the policy of deferring development applications is not extended until design standards and guidelines can become effective.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

- Section 1.** Pursuant to the pending legislation doctrine in Smith v. City of Clearwater, 383 So. 2d 681 (Fla. 2nd DCA 1980), County staff shall continue the policy of deferring the processing of development applications and halting the issuance of development approvals within the Tavernier Creek to Mile Marker 97 U.S. Highway 1 Corridor District Overlay and within the Tavernier Historic District Overlay until such time as the design standards and guidelines can be duly enacted by the Department of Community Affairs in accordance with the processes set forth in Chapter 380 Florida Statutes for oversight of Area of Critical State Concern.
- Section 2.** This policy shall be in effect until the land development regulations in Ordinance No. 019-2005 and Ordinance No. 020-2005 which have been adopted by the Board of County Commissioners become effective or until the passage of 90 days, whichever occurs first.
- Section 3.** Until expiration of this Resolution, no building permit application or planning approval identified in Section 1 herein shall be granted pursuant to an application or request with a submittal date of September 28, 2005 or later.
- Section 4.** Growth Management staff is directed to continue the preparation and adoption of land development regulation amendments and other supporting studies in cooperation with the Planning Commission to address the need for maintaining the historic flavor of the Tavernier Historic District Overlay and U.S. Highway 1 Corridor between Tavernier Creek and Mile Marker 97.

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PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a meeting of said Board held on the ____ day of _____, 2005.

Mayor Dixie M. Spehar _____
Mayor Pro Team Charles "Sonny" McCoy _____
Commissioner Murray Nelson _____
Commissioner George Neugent _____
Commissioner David P. Rice _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____

Mayor Dixie M. Spehar

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK



DEPUTY CLERK